

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 12726

Application 9367 of U. S. Bureau of Reclamation
Address

filed on August 2, 1938, has been approved by the State Water Resources Control Board (SWRCB)
SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source	Tributary to Old River
Rock Slough	thence San Joaquin River

within the County of Contra Costa

2. Location of point of diversion

By California Coordinate System in Zone	40-acre subdivision of public land survey or projection thereof	Projected Section	Township	Range	Base and Meridian
Rock Slough	SE 1/4 of NE 1/4	33	2N	3E	MD
Old River: Zone 3 N 507, 050 and E 1,689,550	NW 1/4 of SE 1/4	31	1N	4E	MD

The water appropriated at the Old River and Rock Sloughs
1. The amount of water to be appropriated shall be limited to the

quantity amount which can be beneficially used and shall not exceed 250 cubic feet per second *by direct diversion* from January 1 to December 31 of each year, *combined. The* ~~second to be diverted~~ *provided, the* ~~combined rates of diversion from Rock Slough and Old River under~~ *however, that the total quantity of water to be appropriated under this permits 12725,* *12726, and 15735 (Applications 9366, 9367, and 22316)* ~~and permit issued pursuant to Application 9366~~ shall not exceed 350 cubic feet per second.

2. The total amount of water to be appropriated by direct diversion and by storage under permits issued pursuant to Applications 5626, 9363, 9364, 9366, 9367 and 9368 shall not exceed 6,500,000 acre-feet per annum of which not in excess of 3,450,000 acre-feet per annum shall be by direct diversion. The maximum combined rates of direct diversion and redirection of stored water shall not exceed 22,200 cubic feet per second.

3. The amount of water which may be appropriated hereunder may in license be reduced if investigation warrants, and may be reduced at any time prior to license if the reservation contained in Paragraph 11 of this permit is modified or set aside upon judicial review.

4. All rights and privileges under this permit, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use and unreasonable method of diversion of said water.

5. Construction work shall be completed on or before December 1, 1985.

6. Complete application of the water to the proposed use shall be made on or before December 1, 1990.

7. Progress reports shall be filed promptly by permittee on forms to be provided annually by the State Water Rights Board until license is issued.

10504.5(a).

9. In conformity with Water Code Section 10505, this permit shall be subject to any and all rights of any county in which the water sought to be appropriated originates to the extent that any such water may be necessary for the development of such county.

10. Direct diversion of water under this permit for use beyond the Sacramento-San Joaquin Delta* or outside the watershed of Sacramento River Basin** shall be subject to rights initiated by applications for use within said watershed and Delta regardless of the date of filing said applications.

11. The State Water Rights Board reserves continuing jurisdiction over this permit until March 1, 1964, or such additional time as may be prescribed by the Board, for the purpose of formulating terms and conditions relative to salinity control in the Sacramento-San Joaquin Delta. Permittee shall on or before January 1, 1962, and each six months thereafter submit to the Board a

* For the purpose of this permit the Sacramento-San Joaquin Delta shall be that area defined in Water Code Section 12220.

** For the purpose of this permit the Sacramento River Basin shall be that portion of the State encompassed by a line beginning at the Sacramento-San Joaquin Delta at Collinsville thence northeasterly to the crest of the Montezuma Hills; thence northwesterly through the crest of the Vaca Mountains; thence northerly along the crest of Putah, Cache, Stony, Thomas and Cottonwood Creek Basins and along the crest of the Trinity Mountains to Mt. Eddy; thence easterly through Mt. Shasta and along the northern boundary of the Pit River Basin to the crest of the Warner Mountains; thence southerly and westerly along the boundary of the Pit River Basin to Red Cinder Cone Peak; thence easterly along the northern boundary of the Feather River Basin to the crest of the Sierra-Nevada; thence southerly along the crest of the Sierra-Nevada to the southern boundary of the American River Basin; thence westerly along the southern boundary of the American River Basin to the eastern boundary of said Delta; thence northerly, westerly and southerly along the boundary of the Delta to the point of beginning.

written report as to the progress of negotiations relative to agreement between permittee and the State of California and/or the permittee and water users in the Delta and in Northern Contra Costa County.

12. The Board reserves continuing jurisdiction over this permit for an indefinite period not to extend beyond the date of issuance of license for the purpose of coordinating terms and conditions of this permit with terms and conditions which have been or which may be included in permits issued pursuant to other applications of the United States in furtherance of the Central Valley Project and applications of the State of California in furtherance of the State Water Resources Development System.

13. Upon the request of the Board permittee shall make such measurements and maintain and furnish to the Board such records and information as may be necessary to determine compliance with the terms and conditions of this permit, including the recognition of vested rights and for the further purpose of determining the amount of water placed to beneficial use under this permit.

14. This permit is subject to "Agreement Between the United States of America and the Department of Water Resources of the State of California for the Coordinated Operation of the Federal Central Valley Project and the State Feather River and Delta Diversion Projects" dated May 16, 1960, filed of record as Department of Water Resources Exhibit 77 at the hearing of said applications.

3. Purpose of use	4. Place of use	Section	Township	Range	Base and Meridian	Acres

The place of use is shown on map on file with the State Water Resources Control Board.

(1) Permittee shall construct, operate, and maintain a fish screen and fish screen cleaning system at the Rock Slough intake of the Contra Costa Canal, satisfactory to the Department of Fish and Game, United States Fish and Wildlife Service, and National Marine Fisheries Service. The fish screening facility shall be constructed and made fully operational by no later than October 1, 1998. The fish screening facility shall be designed and operated to achieve an average water approach velocity no greater than 0.2 feet per second for a 3/32" vertical slotted screen opening and shall effectively screen fish longer than 21 millimeters. After March 1997, water shall be diverted under this permit only at the points of diversion authorized under this permit are approved by Department of Fish and Game and United States Fish and Wildlife Service.

(2) The permittee shall maintain a continual record of water diversion utilizing the Rock Slough and Old River points of diversion and submit such record to the Division of Water Rights on an annual basis.

(3) The permittee shall maintain a daily record of water diversion utilizing the Old River point of diversion and submit such record to the Division of Water Rights on an annual basis.

(4) No water shall be diverted from Old River under this permit until permittee has installed devices, satisfactory to the SWRCB, which are capable of measuring the flow: (1) diverted

into Los Vaqueros reservoir from Old River; and (2) released through the outlet facilities of Los Vaqueros reservoir. Said measuring devices shall be properly maintained.

(5) The total combined quantity of water diverted and/or rediverted under Permits 20749, 12721, 11967, 12722, 12723, 12725, 12726, 11315, 11316, 16597, 11968, 11969, 11971, 11973, 12364, 13776, 16600, and 15735 (issued pursuant to applications 20245, 5626, 5628, 9363, 9364, 9366, 9367, 13370, 13371, 14858, 15374, 15375, 16767, 17374, 17376, 18115, 19304, and 22316) shall not exceed 180,675 acre-feet per annum from Old River and also shall not exceed in any one-year period commencing on March 1, the sum of (i) 195,000 acre-feet per and (ii) 4,000 acre-feet to replace evaporation losses and (iii) the difference between the quantity of water in storage in Los Vaqueros Reservoir at the end of the period and the quantity of water in storage at the beginning of the period, from Old River and Rock Slough, combined. If the storage at the end of the period is less than the storage at the beginning of the period, the change in storage shall be subtracted from the 195,000 acre-feet.

Until further order of the SWRCB, the combined maximum annual diversion shall not exceed 242,000 acre-feet per annum from Old River and Rock Slough. Further order of the SWRCB shall be preceded by notice to all interested parties, by opportunity for hearing, and a showing that water can be diverted in excess of 242,000 acre-feet per annum, taking into account the needs of public trust uses, senior water right holders, and other beneficial uses. The petition shall be accompanied by an environmental documentation required under California law. This requirement for further order of the SWRCB shall not preclude the permittee from filing appropriate petitions for temporary changes or applications for temporary permits under laws existing at the time of the petition or application.

Provided, however, that if during the twelve months after the date when water is first diverted to storage in Los Vaqueros Reservoir there is adequate water available under the water rights listed above, the combined maximum diversion during that initial twelve months shall be 252,000 acre-feet from Old River and Rock Slough.

The total quantity of water distributed under the permits on the above water rights within the authorized place of use served by Contra Costa Water District for use by the customers of the Contra Costa Water District, in any year commencing March 1 shall not exceed 195,000 acre-feet.

(6) The combined rates of diversion and/or rediversion from Old River under Permits 20749, 12721, 11967, 12722, 12723, 12725, 12726, 11315, 11316, 16597, 11968, 11969, 11971, 11973, 12364, 13776, 16600, and 15735 (issued pursuant to applications 20245, 5626, 5628, 9363, 9364, 9366, 9367, 13370, 13371, 14858, 15374, 15375, 16767, 17374, 17376, 18115, 19304, and 22316) shall not exceed 250 cubic feet per second.

(7) Permittee shall comply with all legally binding requirements of the California Department of Fish and Game, the United States Fish and Wildlife Service and the National Marine Fisheries Service imposed on the permittee under the federal Endangered Species

Act (16 U. S. C. A. Sections 1531 to 1544) and the California Endangered Species Act (Fish and Game Code Sections 2050 to 2098) with respect to the Los Vaqueros Project.

(8) Permittee shall in cooperation with the Contra Costa Water District implement the mitigation monitoring and reporting measures for Bay-Delta fishery resources and Bay-Delta water quality which are set forth in the Environmental Commitments and Mitigation Monitoring and Reporting plan for the Los Vaqueros Project Stage 2 Environmental impact Report/Environmental Impact Statement, dated October 27, 1993. Permittee in cooperation with the Contra Costa Water District shall provide a report to the Chief, Division of Water Rights by April 1 of each year detailing the results of the previous year's monitoring, plans for the current year's monitoring, and the status of implementation of each mitigation measure required by this decision.

(9) Permittee shall minimize increased levels of suspended sediments discharged to Old River during construction, maintenance and repair of the Old River intake facility and minimize loss of fish and riparian wildlife at the Old River intake facility construction site by: (1) installing floating silt curtains, silt fences, stormwater detention facilities, and other appropriate sediment control facilities; (2) mapping existing riparian/aquatic fish habitat prior to construction and taking steps to avoid losses to existing habitat during facility construction as much as possible; and (3) reestablishing suitable new habitat on newly constructed or existing levees to compensate for unavoidable losses. Further, the permittee shall perform all construction, maintenance and repair operations on the Old River intake each year, unless U. S. Fish and Wildlife Service and Department of Fish and Game authorized these activities during other periods. Best management practices shall be used to minimize direct and indirect impacts to fish and wildlife.

(10) During the period from March 15 through May 15 of each year, the permittee shall use the Old River point of diversion as much as possible in order to minimize diversion at the Rock Slough point of diversion under Permits 12725, 12726, and 15735 on Applications 9366, 9367, and 22316 of the U. S. Bureau of Reclamation.

(11) During the period from March 15 through May 31 of each year, the permittee shall not divert water from the Old River point of diversion to offstream storage in Los Vaqueros Reservoir when the reservoir storage level is more than 70,000 acre-feet (af) in a below normal, above normal or wet water year, or more than 44,000 af in a dry or critical water year. Water year types will be as defined in the February edition of the California Department of Water Resources Bulletin 120 of the Four Basin Index set forth in the permits and licenses of the Bureau of Reclamation.

(12) During the period from April 1 through April 30 of each year, permittee shall not divert water from the Delta for use by Contra Costa Water District at times when storage in the reservoir is more than 70,000 af in a below normal, above normal or wet water year, or more than 44,000 af in a dry or critical water year, unless more than 12,500 acre-feet is necessary

to meet reasonable demands in the Contra Costa Water District service are during this period.

(13) If in any year the Department of Fish and Game, U. S. Fish and Wildlife Service or National Marine Fisheries Service require modifications in the time periods specified in items (b) and (c) above to protect endangered or threatened species, permittee shall by February 15, or immediately if after February 15, notify the Chief, Division of Water Rights of the time period modifications for that year. Unless within 15 days the Chief, Division of Water Rights, objects to the proposed modifications or proposes an alternative, the permittee shall implement the modifications.

(14) The requirements of this permit term shall become effective when Los Vaqueros Reservoir is initially filled to a level of 90,000 af.

(15) Permittee shall construct, operate and maintain a fish screen and fish screen cleaning system at the Old River intake facility, satisfactory to the Department of fish and Game, United States Fish and Wildlife Service and National Marine Fisheries Service. The fish screen facility shall be constructed and made fully operational prior to operation of the Old River intake facility and by not later than January 1, 1997. In an average water approach velocity no greater than 0.2 feet per second for a 3/32" vertical slotted screen opening, and be operated to effectively screen fish greater than 21 millimeters long.

(15) To avoid construction impacts to Swainson's hawks, surveys shall be conducted weekly beginning the first week of April through May 15 by a biologist acceptable to the Department of Fish and Game to determine if any nesting is occurring within ½ mile of the Old River diversion point, and to determine whether there is any suitable nesting habitat within ½ mile. If nesting is occurring within ½ mile, construction may not be initiated or continued until August 15 without additional consultation with the Department of Fish and Game. This term shall expire upon completion of construction.

(11) In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted under this permit until permittee has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee.

(12) This permit is subject to the conditions set forth in Decision 1485 issued August 16, 1978; Water Right Order 78-17 issued October 13, 1978; and Water Right Order 95-6 issued June 8, 1995.

Application

Permit

MANDATORY TERMS

- | | |
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| <u>6.</u> License Reduction. | <u>12.</u> Continuing Authority |
| <u>7.</u> Begin Construction: DELETED | <u>13.</u> Water Quality Objectives |
| <u>8.</u> Complete Construction: DELETED | <u>14.</u> Endangered Species Term |
| <u>10.</u> Progress Reports | <u>15.</u> Water Diversion and Use Records |
| <u>11.</u> Access to Project | |

REMOVE SECTION BREAK (NEXT PAGE) TO FINAL

**ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE
SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

- (A) Permittee shall maintain records of the amount of water diverted and used to enable SWRCB to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605.
- (B) The amount authorized for appropriation may be reduced in the license if investigation warrants.
- (C) Progress reports shall be submitted promptly by permittee when requested by the SWRCB until a license is issued.
- (D) Permittee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by said SWRCB, reasonable access to project works to determine compliance with the terms of this permit.
- (E) Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

Application

Permit

(F) The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(G) This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain an incidental take permit prior to construction or operation. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

STATE WATER RESOURCES CONTROL BOARD

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of Permit 12726 (Application 9367)
U.S. Bureau of Reclamation

**ORDER APPROVING CHANGE IN PLACE OF USE
AND AMENDING THE PERMIT**

SOURCE: Rock Slough
COUNTY: Contra Costa

WHEREAS:

1. Permit 12726 was issued to U.S. Bureau of Reclamation on April 12, 1961, pursuant to Application 9367.
2. A petition to change the place of use was filed with the State Water Resources Control Board (SWRCB) on May 23, 2001, and the SWRCB has determined that good cause for such change has been shown. Public notice of the change was issued on November 16, 2001, and no protests were received.
3. The SWRCB has determined that the petition for change in place of use does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT PERMIT 12726 IS AMENDED TO READ AS FOLLOWS:

1. The place of use as shown on USBR Map No. 214-208-12581 on file with the Board, and as further delineated in the GIS maps on file with the Board and attached to Board Decision 1641, is amended to include the following:

71 acres within E½ of Section 12, T14S, R11E, MDB&M.
160 acres within NW¼ of Section 29, T14S, R12E, MDB&M.
3. All other conditions of Permit 12726 are still applicable.

STATE WATER RESOURCES CONTROL BOARD



*Edward C. Anton, Chief
Division of Water Rights*

Dated: JUL 29 2002

APPLICATION 9367, PERMIT ~~12720~~

PERMIT AMENDED

SEE WR ORDER 95-6

ISSUED JUNE 8, 1995

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 9367 Permit 12726 License

**ORDER AMENDING PERMIT
TO CONFORM WITH DECISION NO. 1629**

WHEREAS:

1. The permittee is the U.S. Bureau of Reclamation.
2. The permit should be amended to conform with State Water Resources Control Board (SWRCB) Decision No. 1629 related to the Los Vaqueros Project in Contra Costa County.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The condition of the permit related to the points of diversion shall be amended to include the following:

A point of diversion on Old River tributary to San Joaquin Delta Channels, within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 31, T1N, R4E, MDB&M, also described as California Coordinates, Zone 3, N 507,050 and E 1,689,550.

(0000001)
(0000002)

2. Conditions are added to the permit as follows:

- a. Permittee shall construct, operate, and maintain a fish screen and fish screen cleaning system at the Rock Slough intake of the Contra Costa Canal, satisfactory to the Department of Fish and Game, United States Fish and Wildlife Service, and National Marine Fisheries Service. The fish screening facility shall be constructed and made fully operational by no later than October 1, 1998. The fish screening facility shall be designed and operated to achieve an average water approach velocity no greater than 0.2 feet per second for a 3/32" vertical slotted screen opening and shall effectively screen fish longer than 21 millimeters. After March 1997, water shall be diverted under this permit only at the Old River intake between January 1 and August 31 unless other points of diversion authorized under this permit are approved by Department of Fish and Game and United States Fish and Wildlife Service.

(0400500)
(0450300)
(0450700)

- b. The permittee shall maintain a continual record of water diversion utilizing the Rock Slough and Old River points of diversion and submit such record to the Division of Water Rights on an annual basis.

(0090700)

3. Term 1 of Permit 12726 is amended to read:

The water appropriated at the Old River and Rock Slough points of diversion shall be limited to the quantity which can be beneficially used and shall not exceed 250 cubic feet per second by direct diversion from January 1 to December 31 of each year, combined. The combined rates of diversion from Rock Slough and Old River under Permits 12725, 12726, and 15735 (Applications 9366, 9367, and 22316) shall not exceed 350 cubic feet per second.

(0000005)

(0000114)

4. Conditions are added to this permit as follows:

- a. The permittee shall maintain a daily record of water diversion utilizing the Old River point of diversion and submit such record to the Division of Water Rights on an annual basis.

(0090700)

- b. No water shall be diverted from Old River under this permit until permittee has installed devices, satisfactory to the SWRCB, which are capable of measuring the flow: (1) diverted into Los Vaqueros Reservoir from Old River; and (2) released through the outlet facilities of Los Vaqueros Reservoir. Said measuring devices shall be properly maintained.

(0060062)

- c. The total combined quantity of water diverted and/or rediverted under Permits 20749, 12721, 11967, 12722, 12723, 12725, 12726, 11315, 11316, 16597, 11968, 11969, 11971, 11973, 12364, 13776, 16600, and 15735 (issued pursuant to Applications 20245, 5626, 5628, 9363, 9364, 9366, 9367, 13370, 13371, 14858, 15374, 15375, 16767, 17374, 17376, 18115, 19304, and 22316) shall not exceed 180,675 acre-feet per annum from Old River and also shall not exceed in any one-year period commencing on March 1, the sum of (i) 195,000 acre-feet and (ii) 4,000 acre-feet to replace evaporation losses and (iii) the difference between the quantity of water in storage in Los Vaqueros Reservoir at the end of the period and the quantity of water in storage at the end of the period and the quantity of water in storage at the beginning of the period, from Old River and Rock Slough, combined. If the storage at the end of the period is less than the storage at the beginning of the period, the change in storage shall be subtracted from the 195,000 acre-feet.

Until further order of the SWRCB, the combined maximum annual diversion shall not exceed 242,000 acre-feet per annum from Old River and Rock Slough. Further order of the SWRCB shall be preceded by notice to all interested parties, by opportunity for hearing, and a showing that water can be diverted in excess of 242,000 acre-feet per annum, taking into account the needs of public trust uses, senior water right holders, and other beneficial uses. The petition shall be accompanied by any environmental documentation required under California law. This requirement for further order of the SWRCB shall not preclude the permittee from filing appropriate petitions for temporary changes or applications for temporary permits under laws existing at the time of the petition or application.

Provided, however, that if during the twelve months after the date when water is first diverted to storage in Los Vaqueros Reservoir there is adequate water available under the water rights listed above, the combined maximum diversion during that initial twelve months shall be 252,000 acre-feet from Old River and Rock Slough.

The total quantity of water distributed under the permits on the above water rights within the authorized place of use served by Contra Costa Water District for use by the customers of the Contra Costa Water District, in any year commencing March 1 shall not exceed 195,000 acre-feet.

(0000114)

- d. The combined rates of diversion and/or rediversion from Old River under Permits 20749, 12721, 11967, 12722, 12723, 12725, 12726, 11315, 11316, 16597, 11968, 11969, 11971, 11973, 12364, 13776, 16600, and 15735 (issued pursuant to Applications 20245, 5626, 5628, 9363, 9364, 9366, 9367, 13370, 13371, 14858, 15374, 15375, 16767, 17374, 17376, 18115, 19304, and 22316) shall not exceed 250 cubic feet per second.

(0000114)

- e. Permittee shall comply with all legally binding requirements of the California Department of Fish and Game, the United States Fish and Wildlife Service and the National Marine Fisheries Service imposed on the permittee under the federal Endangered Species Act (16 U.S.C.A. Sections 1531 to 1544) and the California Endangered Species Act (Fish and Game Code Sections 2050 to 2098) with respect to the Los Vaqueros Project.

(0400500)

(0600999)

- f. Permittee shall in cooperation with the Contra Costa Water District implement the mitigation monitoring and reporting measures for Bay-Delta fishery resources and Bay-Delta water quality which are set forth in the Environmental Commitments and Mitigation Monitoring and Reporting Plan for the Los Vaqueros Project Stage 2 Environmental Impact Report/Environmental Impact Statement, dated October 27, 1993. Permittee in cooperation with the Contra Costa Water District shall provide a report to the Chief, Division of Water Rights by April 1 of each year detailing the results of the previous year's monitoring, plans for the current year's monitoring, and the status of implementation of each mitigation measure required by this decision. (0400500)
5. Permittee shall minimize increased levels of suspended sediments discharged to Old River during construction, maintenance and repair of the Old River intake facility and minimize loss of fish and riparian wildlife at the Old River intake facility construction site by: (1) installing floating silt curtains, silt fences, stormwater detention facilities, and other appropriate sediment control facilities; (2) mapping existing riparian/aquatic fish habitat prior to construction and taking steps to avoid losses to existing habitat during facility construction as much as possible; and (3) reestablishing suitable new habitat on newly constructed or existing levees to compensate for unavoidable losses. Further, the permittee shall perform all construction, maintenance and repair operations on the Old River intake facility only during the period from September 1 through December 30 of each year, unless U.S. Fish and Wildlife Service and Department of Fish and Game authorized these activities during other periods. Best management practices shall be used to minimize direct and indirect impacts to fish and wildlife. (0400500)
6. a. During the period from March 15 through May 15 of each year, the permittee shall use the Old River point of diversion as much as possible in order to minimize diversions at the Rock Slough point of diversion under Permits 12725, 12726, and 15735 on Applications 9366, 9367, and 22316 of the U.S. Bureau of Reclamation.
- b. During the period from March 15 through May 31 of each year, the permittee shall not divert water from the Old River point of diversion to offstream storage in Los Vaqueros Reservoir when the reservoir storage level is more than 70,000 acre-feet (af) in a below normal, above normal or wet water year, or more than 44,000 af in a dry or critical water year. Water year types will be as defined in the February edition of the California Department of Water Resources Bulletin 120 of the Four Basin Index set forth in the permits and licenses of the Bureau of Reclamation.

- c. During the period from April 1 through April 30 of each year, permittee shall not divert water from the Delta for use by Contra Costa Water District at times when storage in the reservoir is more than 70,000 af in a below normal, above normal or wet water year, or more than 44,000 af in a dry or critical water year, unless more than 12,500 acre-feet is necessary to meet reasonable demands in the Contra Costa Water District service area during this period.
 - d. If in any year the Department of Fish and Game, U.S. Fish and Wildlife Service or National Marine Fisheries Service require modifications in the time periods specified in items (b) or (c) above to protect endangered or threatened species, permittee shall by February 15, or immediately if after February 15, notify the Chief, Division of Water Rights of the time period modifications for that year. Unless within 15 days the Chief, Division of Water Rights, objects to the proposed modifications or proposes an alternative, the permittee shall implement the modifications.
 - e. The requirements of this permit term shall become effective when Los Vaqueros Reservoir is initially filled to a level of 90,000 af. (0560900)
(0360900)
(0600500)
7. Permittee shall construct, operate and maintain a fish screen and fish screen cleaning system at the Old River intake facility, satisfactory to the Department of Fish and Game, United States Fish and Wildlife Service and National Marine Fisheries Service. The fish screen facility shall be constructed and made fully operational prior to operation of the Old River intake facility and by not later than January 1, 1997. In addition, the screen facility shall be designed and operated to achieve an average water approach velocity no greater than 0.2 feet per second for a 3/32" vertical slotted screen opening, and be operated to effectively screen fish greater than 21 millimeters long. (0400500)
8. To avoid construction impacts to Swainson's hawks, surveys shall be conducted weekly beginning the first week of April through May 15 by a biologist acceptable to the Department of Fish and Game to determine if any nesting is occurring within ½ mile of the Old River diversion point, and to determine whether there is any suitable nesting habitat within ½ mile. If nesting is occurring within ½ mile, construction may not be initiated or continued until August 15 without additional consultation with the Department of Fish and Game. This term shall expire upon completion of construction. (0400500)

9. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted under this permit until permittee has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee.

(0000063)

Dated: **JULY 18 1994**

for Roger Phumun
Edward C. Anton, Chief
Division of Water Rights

PERMIT NO. 12726
APPLICATION NO. 9367

SEE DECISION 1485 ISSUED 8-16-78
+ Order 78-17, 10-13-78

P 12702

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5625 and 26 others PERMIT 12720 and 26 others
(as listed on attached sheet)

LICENSE _____

ORDER ALLOWING EXTENSION OF TIME
TO COMPLY WITH SUISUN MARSH STANDARDS

WHEREAS:

1. Order Condition 7(b) of Decision 1485 requires the permittee to meet specific water quality standards for full protection of the Suisun Marsh by October 1, 1984, as set forth in Table II of the Decision.
2. A petition for an extension of time to comply with the water quality standards for full protection of Suisun Marsh set forth in Order Condition 7(b) and Table II of Decision 1485 was filed by the U. S. Bureau of Reclamation on August 6, 1985.
3. The permittee has proceeded with diligence and good cause has been shown for the extension of time.

NOW THEREFORE, IT IS ORDERED THAT:

1. Order Condition 7(b) of Decision 1485 is superseded in accordance with Order Conditions 2 and 3 below.
2. Permittee shall comply with the water quality standards for full protection of Suisun Marsh set forth in Order Condition 7(a) of Decision 1485 (hereinafter termed standards) in accordance with the following schedule:
 - (a) Permittee shall meet the standards by October 1, 1988 at the following locations:
 - (1) Sacramento River at Collinsville Road in Collinsville (C-2)
 - (2) Montezuma Slough at National Steel (three miles south of Mien's Landing) (S-64)
 - (3) Montezuma Slough near Beldon Landing (0.35 miles east of Grizzly Island Bridge) (S-49)
 - (b) Permittee shall either meet the standards by October 1, 1991 at:
 - (1) Chadbourne Slough at Chadbourne Road (S-21), and
 - (2) Cordelia Slough, 500 feet west of the Southern Pacific crossing at Cygnus (S-33),or meet the standards by October 1, 1993 at:
 - (1) Chadbourne Slough at Chadbourne Road (S-21), and
 - (2) Cordelia Slough at Cordelia-Goodyear Ditch (S-97)
 - (c) Permittee shall either meet the standards by October 1, 1991 at Goodyear Slough at the Morrow Island Clubhouse (S-35), or meet the standards by October 1, 1994 at Goodyear Slough, 1.3 miles south of Morrow Island Ditch (S-75)

(d) Permittee shall meet the standards by October 1, 1997 at:

- (1) Suisun Slough 300 feet south of Volanti Slough (S-42), and
- (2) Water supply intake locations for waterfowl management areas on Van Sickle Island and Chipps Island.

3. Table II of Decision 1485 is amended on page 39 to replace the Suisun Marsh electrical conductivity standards that became effective October 1, 1984 with the following:

BENEFICIAL USE PROTECTED and LOCATION	PARAMETER	DESCRIPTION	YEAR TYPE	VALUES	
FISH AND WILDLIFE				Month	EC in mmhos
• SUISUN MARSH					
- To become effective on October 1, 1988 at: Sacramento River at Collinsville Road in Collinsville (C-2)	Electrical Conductivity 'EC)	The monthly average of both daily high tide values not to exceed the values shown (or demonstrate that equivalent or better protection will be provided at the location)	All	Oct.	19.0
Montezuma Slough at National Steel (3 miles south of Mein's Landing) (S-64)				Nov.	15.5
Montezuma Slough near Beldon Landing (0.35 miles east of Grizzly Island Bridge) (S-49)				Dec.	15.5
				Jan.	12.5
				Feb.	8.0
				Mar.	8.0
				Apr.	11.0
				May	11.0
- To become effective either on October 1, 1991 at: Chadbourne Slough at Chadbourne Road (S-21) and Cordelia Slough, 500 feet west of the Southern Pacific crossing at Cygnus (S-33); or on October 1, 1993 at: Chadbourne Slough at Chadbourne Road (S-21) and Cordelia Slough at Cordelia-Goodyear Ditch (S-97)					
- To become effective either on October 1, 1991 at: Goodyear Slough at the Morrow Island Clubhouse (S-35); or on October 1, 1994 at: Goodyear Slough, 1.3 miles south of Morrow Island Ditch (S-75)					
- To become effective on October 1, 1997 at: Suisun Slough, 300 feet south of Volanti Slough (S-42), and Water supply intake locations for waterfowl management areas on Van Sickle Island and Chipps Island.					

4. By January 15 of each year, permittee shall provide, either separately or jointly with California Department of Water Resources, a written report to the Board on its progress toward achieving full compliance with this order.

Lloyd D. Johnson
Lloyd D. Johnson, Interim Chief
Division of Water Rights

Dated DECEMBER 5 1985

ATTACHMENT A

Permits of the United States Bureau of Reclamation:

Permit 12720 (Application 5625)
Permit 12721 (Application 5626)
Permit 11966 (Application 5627)
Permit 11967 (Application 5628)
Permit 12722 (Application 9363)
Permit 12723 (Application 9364)
Permit 12724 (Application 9365)
Permit 12725 (Application 9366)
Permit 12726 (Application 9367)
Permit 12727 (Application 9368)
Permit 11315 (Application 13370)
Permit 11316 (Application 13371)
Permit 11317 (Application 13372)
Permit 11318 (Application 14662)
Permit 11968 (Application 15374)
Permit 11969 (Application 15375)
Permit 11970 (Application 15376)
Permit 12860 (Application 15764)
Permit 11971 (Application 16767)
Permit 11972 (Application 16768)
Permit 11973 (Application 17374)
Permit 16209 (Application 18721)
Permit 16210 (Application 18723)
Permit 15149 (Application 21542)
Permit 16211 (Application 21636)
Permit 16212 (Application 21637)
Permit 15735 (Application 22316)

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Applications 5625, 5626,
9363, 9364, 9365, 9366, 9367, 9368, 10588,
and 15764,

UNITED STATES OF AMERICA,
BUREAU OF RECLAMATION,

Applicant

SACRAMENTO RIVER AND DELTA WATER
ASSOCIATION, ET AL.,

Protestants

Sources: Sacramento
River, Rock Slough,
Old River, and
Channels of the
Sacramento-
San Joaquin Delta

ADOPTED DEC 23 1965

ORDER EXTENDING TIME IN WHICH
TO FORMULATE TERMS AND CONDITIONS
RELATIVE TO SALINITY CONTROL
PURSUANT TO DECISIONS D 990 AND D 1020

Condition No. 25 of the Board's order under Decision D 990, made on February 9, 1961, and condition No. 9 of the Board's order under Decision D 1020, made on June 30, 1961, reserved continuing jurisdiction over permits issued pursuant to Applications 5625, 5626, 9363, 9364, 9365, 9366, 9367, 9368, 10588, and 15764 until March 1, 1964, or such additional time as may be prescribed by the Board, for the purpose of formulating terms and conditions relative to salinity control in the Sacramento-San Joaquin Delta.

The initial period of three years was considered reasonable in order to allow the United States, the State of California, and the water users in the Delta an opportunity to work out their problems by mutual agreement; or, failing to reach agreement, to provide the Board with information upon which to make such further order as may be necessary and proper relating to salinity control in the Delta.

The Board finds that no emergency has arisen in the interim requiring imposition of specific permit terms; that additional time for the parties to resolve their problems would not cause injury to any lawful user of water; and that there has been no material change in project operations which would alter the conditions under which salinity incursion is now controlled.

Upon such findings, the Board concludes that the reservation of continuing jurisdiction should be extended.

IT IS HEREBY ORDERED that the State Water Rights Board reserve continuing jurisdiction over permits issued pursuant to Applications 5625, 5626, 9363, 9364, 9365, 9366, 9367, 9368, 10588, and 15764 until further order of the Board, for the purpose of formulating terms and conditions relative to salinity control in the Sacramento-San Joaquin Delta.

Adopted as the order of the State Water Rights Board at a meeting duly called and held in Sacramento, California, on the day of , 19

/s/ Kent Silverthorne
Kent Silverthorne, Chairman

/s/ Ralph J. McGill
Ralph J. McGill, Member

/s/ W. A. Alexander
W. A. Alexander, Member

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

Application No. 9367 Filed August 2, 1938 at 8:38 A. M.
(Applicant must not fill in the above blanks)

APPLICATION TO APPROPRIATE UNAPPROPRIATED WATER AMENDED APPLICATION RECEIVED 8-14-52

The United States of America, assignee of the above-numbered application for a permit to appropriate the following described unappropriated waters to be used in furtherance of Central Valley Project, California, which project is under the supervision of the United States Bureau of Reclamation, shows:

For the purpose of this application, the post office address of the applicant is United States Bureau of Reclamation, P. O. Box 2511, Sacramento 11, California.

Source, Amount, Use and Location of Diversion Works

1. The source of the proposed appropriation is Rock Slough (see supplement) OVER
located in Contra Costa County, tributary to a delta channel of the Sacramento and San Joaquin Rivers.
Give name of stream, lake, etc., if named; if unnamed state nature of source and that it is unnamed

2. The amount of water which applicant desires to appropriate under this application is as follows:

(a) For diversion to be directly applied to beneficial use 250 (see supplement) cubic feet per
second, to be diverted from January 1 to December 31 of each year.
1 cubic foot per second equals 40 statute miner's inches or 646,317 gallons per day
Beginning date Closing date

(b) For diversion to be stored and later applied to beneficial use None acre-feet
per annum, to be collected between and of each season.
1 acre-foot equals 325,851 gallons
Beginning date Closing date

NOTE.—Answer (a) or (b) or both (a) and (b) as may be necessary. If amount under (a) is less than .025 cubic foot per second, state in gallons per day. Neither the amount nor the season may be increased after application is filed. If underground storage is proposed a special supplemental form will be supplied by the State Water Rights Board upon request.

3. The use to which the water is to be applied is municipal and industrial (see supplement)
Domestic, irrigation, power, municipal, mining, industrial, recreational purposes.

4. The point of diversion is to be located Rock Slough N89° 52'W, 8.9 feet from E¹ corner of
Section 33, T2N, R3E, MDB&M,
State bearing and distance or coordinate distances from section or quarter section corner

being within the SE¹ of NE¹
State 40-acre subdivision of public land survey or projection thereof

of Section 33, T. 2N, R. 3E, M. D. B. & M., in the County of Contra Costa
Martinez Reservoir

5. The main conduit terminates in NE¹ of NW¹ of Sec. 20, T. 2N, R. 2W, M. D. B. & M.
State 40-acre subdivision of U. S. Government survey or projection thereof

Description of Diversion Works

NOTE.—An application cannot be approved for an amount grossly in excess of the estimated capacity of the diversion works.

6. Intake or Headworks (fill only those blanks which apply)

(a) Diversion will be made by pumping from _____
Sump, offset wall, unobstructed channel, etc.

(b) Diversion will be by gravity, the diverting dam being _____ feet in height (stream bed to level of overflow); _____ feet long on top; and constructed of (No diversion dam)(See supplement)
Concrete, earth, brush, etc.

(c) The storage dam will be _____ feet in height (stream bed to overflow level); _____ feet long on top; have a freeboard of _____ feet, and be constructed of _____
Concrete, earth, etc.

7. Storage Reservoir No storage - Martinez Reservoir near City of Martinez is a balancing
reservoir.
Name

The storage reservoir will flood lands in _____
Indicate section or sections, also 40-acre subdivisions unless shown upon map

It will have a surface area of _____ acres, and a capacity of _____ acre-feet.
In case of insufficient space for answers in form, attach extra sheets at top of page 3 and cross reference.

of construction earth-concrete-lined
Earth, rock, timber, etc.

(b) Pipe line: Diameter _____ inches; length _____ feet; grade _____ feet per
1,000 feet; total ^{fall} lift from intake to outlet _____ feet; kind _____
Riveted steel, concrete, wood-stave, etc.

NOTE.—If a combination of different sizes or kinds of conduit is to be used, attach extra sheets with complete description, also show location of each clearly on map. (See supplement

9. The estimated capacity of the diversion conduit or pumping plant proposed is 350 c.f.s. to paragraph 6)
State cubic feet per second or gallons per minute

The estimated cost of the diversion works proposed is \$ 6,675,000
Give only cost of intake, or headworks, pumps, storage reservoirs and main conduits described herein

Completion Schedule

10. Construction work will begin on or before Under construction

Initial Construction work will be completed on or before 1956 and ultimate pump capacity 1980

The water will be completely applied to the proposed use on or before 1990

Description of Proposed Use

11. Place of Use. (See supplement and accompanying map No. 614-212-2)
State 40-acre subdivisions of the public land survey. If area is unsurveyed indicate the location as if lines of the public land

survey were projected. In the case of irrigation use state the number of acres to be irrigated in each 40-acre tract, if space permits. If space does not permit listing of all 40-acre tracts, describe area in a general way and show detail upon map.

Do(es) applicant(s) own the land whereon use of water will be made? No Jointly? _____
Yes or No Yes or No

Contracts have or will be negotiated with representatives of owners.
If applicant does not own land whereon use of water will be made, give name and address of owner and state what arrangements have been made with him.

12. Other Rights. Describe all rights except those on file with the State Water Rights Board under which water is served to the above named lands.

Nature of Right (riparian, appropriative, purchased water, etc.)	Year of First Use	Use made in recent years including amount if known	Season of Use	Source of Other Supply
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____

Attach supplement at top of page 3 if necessary.

13. Irrigation Use. The area to be irrigated is _____ acres.
State net acreage to be irrigated

The segregation of acreage as to crops is as follows: Rice _____ acres; alfalfa _____ acres;
orchard _____ acres; general crops _____ acres; pasture _____ acres.

NOTE.—Care should be taken that the various statements as to acreage are consistent with each other, with the statement in Paragraph 11, and with the map.

The irrigation season will begin about _____ and end about _____
Beginning date Closing date

14. Power Use. The total fall to be utilized is _____ feet.
Difference between nozzle or draft tube water level and first free water surface above

The maximum amount of water to be used through the penstock is _____ cubic feet per second.

The maximum theoretical horsepower capable of being generated by the works is _____ horsepower.
Second feet \times fall \div 5.5

The use to which the power is to be applied is _____
For distribution and sale or private use, etc.

The nature of the works by means of which power is to be developed is _____
Turbine, Pelton wheel, etc.

The size of the nozzle to be used is _____ inches.

The water will be returned to _____ in _____ of
will not _____
Name stream State 40-acre subdivision

Sec. _____, T. _____, R. _____, B. & M.

_____ having a present position of _____

The estimated average daily consumption during the month of maximum use at the end of each five-year period until the full amount applied for is put to beneficial use is as follows:

16. Mining Use. The name of the mining property to be served is _____

Name of claim

_____ and the nature of the mines is _____

Gold placer, quartz, etc.

The method of utilizing the water is _____

It is estimated that the ultimate water requirement for this project will be _____

Cubic feet per second, gallons per minute. State basis of estimate

The water will be polluted by chemicals or otherwise _____

will not

Explain nature of pollution, if any

and it will be returned to _____ in _____ of _____

will not

Name stream

State 40-acre subdivision

Sec. _____, T. _____, R. _____, B. & M. _____

17. Other Uses. The nature of the use proposed is _____ Industrial (see supplement)

Industrial, recreational, domestic, stockwatering, fish culture, etc.

State basis of determination of amount needed. Estimation based upon studies made of industrial

Number of persons, residences, area of domestic lawns and gardens, number and kind of stock, type

needs (see supplement)

Industrial use, and unit requirements.

General

18. Are the maps as required by the Rules and Regulations filed with Application? Yes If not, state specifically the time required for filing same _____

Yes or No

19. Does the applicant own the land at the proposed point of diversion? Yes If not, give name and address of owner and state what steps have been taken to secure right of access thereto _____

Yes or No

20. What is the name of the post office most used by those living near the proposed point of diversion?

Oakley, California

21. What are the names and addresses of claimants of water from the source of supply below the proposed point of diversion? Unknown water users in lower delta area of the Sacramento and San Joaquin River

[SIGNATURE OF APPLICANT] /s/ Richard L. Boke
Regional Director

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: APR 12 1961

STATE WATER RIGHTS BOARD



L. K. Hill
L. K. Hill
Executive Officer

SUPPLEMENT TO APPLICATION 936.

Paragraph 1. SOURCE OF WATER:

The water applied for in this application will be diverted from Rock Slough, a tidal channel of the Sacramento-San Joaquin Delta. The water will originate in all streams tributary to the Sacramento or San Joaquin Rivers.

Paragraph 2. AMOUNT OF WATER:

The direct diversion of up to 250 c.f.s. applied for herein with the direct diversion of upwards to 200 c.f.s. applied for in Application 9366 for irrigation purposes will supplement the water applied for in Applications 5626, 9364, and 9363, to the extent necessary to provide a total of upwards to 350 c.f.s. for diversion into the Contra Costa Canal, (a unit of the Central Valley Project) for irrigation, municipal, and industrial uses combined. Water applied for under Applications 13370 and 13371 will also at times be diverted through the Contra Costa Canal to supply service under contracts covering areas specified in those applications.

Paragraph 3. USE:

The use of the water applied for under this application for municipal and industrial purposes, will increase with future conversion of agricultural areas into urban areas, as well as with increased use within present industrial and urban areas. The municipal and industrial uses are expected to increase up to a maximum of 250 c.f.s. by the year 1990 as the irrigation use, after an expected increase to a maximum of 200 c.f.s., decreases. The combined use under this application and No. 9366 will not exceed 350 c.f.s.

Paragraph 6. INTAKE OR HEADWORKS:

Water from Rock Slough is diverted at the Canal intake by gravity. There are four pumping plants along the Canal, located at Canal Stations 209+25, 248+90, 308+70, and 372+20. The first three plants each have an initial capacity of 210 c.f.s. with a planned ultimate capacity of 350 c.f.s. The plant at Station 372+20 has an initial capacity of 190 c.f.s. and a planned ultimate capacity estimated at 330 c.f.s.

ESTIMATED GROWTH OF POPULATION AND WATER USE

Year	Estimated Contra Costa County population	Estimated population served from Contra Costa Canal	Maximum monthly mean diversion requirements of Contra Costa Canal				
			Municipal		Combined municipal & industrial(a)		
			Non-military & non-industrial	Military	Industrial	industrial(a)	
			M.g.d.	C.f.s.	C.f.s.	C.f.s.	C.f.s.
1950	299,000(b)	40,000	9	14	0	45	55
1955	340,000	65,000	14	22	5	68	89
1960	380,000	85,000	20	31	10	90	123
1965	430,000	109,000	24	38	10	107	145
1970	480,000	129,000	28	43	10	123	165
1975	530,000	151,000	33	51	10	138	187
1980	580,000	172,000	38	59	10	153	209
1985	625,000	195,000	43	67	10	167	229
1990	670,000	220,000	48	75	10	180	250

(a) Estimated maximum combined use is less than total of maximum municipal, military and industrial uses because maximums of separate uses are expected to occur in different months.

(b) U.S. Census of April 1, 1950.

The principal towns within the service area, along with their 1950 population (1950 U.S. Census) are as follows:

Antioch	11,051	Crockett	3,400
Pittsburg	12,763		
Martinez	8,268	Shell Point	4,674
Concord	6,953	Port Chicago	3,000
Walnut Creek	2,420		

Paragraph 11. PLACE OF USE:

The water applied for under this application will be used within the boundaries of the potential service area delineated on map No. 614-212-2, accompanying this application.

The water will be used within the service areas of municipalities, districts, water companies, corporations, and other legal entities, either as a primary or supplemental supply, provided that the delivery of the water is conditioned upon the execution of valid contracts, for such deliveries, with the United States of America, or other authorization which may be made or given by authority of and pursuant to law.

Paragraphs 15 and 17. MUNICIPAL AND INDUSTRIAL USE:

Water demands for municipal and industrial uses will be supplied as required to cities, towns, and other municipalities presently in existence, or as may be created within the place of use. Some municipalities are or will be adequately served with water by appropriations under lawful rights acquired and used independently of the United States. Other municipalities are or will be partially so served, but will require a supplemental water supply which will be furnished through rights acquired by the United States.

The estimates of water requirements for municipal and industrial uses within the service area were based on estimates of the acreage of the land within the area that would probably be devoted to municipal or industrial useage and the expected use on military reservations. Based on present industrial useage within the area, a maximum monthly mean rate of diversion of approximately 180 c.f.s. was estimated to be required for industrial uses by 1990. The municipal useage was estimated by applying a population density of 15 persons per acre to the acreage of suitable land, allowing a maximum monthly mean non-industrial diversion of 220 gallons per person per day, and then adding the use expected at military establishments. By this method, it was estimated that the mean gross diversion for municipal use during the maximum month would be 85 c.f.s. The use of the diversion figures were checked for reasonableness by comparison of the estimated population growth of Contra Costa County with the population estimated to be served within the service area. The estimated population growth of Contra Costa County along with the estimated portion of the growth to be served under this application are tabulated below, along with the maximum mean monthly diversions expected for municipal, military, and industrial uses:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 250 cubic feet per second to be diverted from January 1 to December 31 of each year provided, however, that the total quantity of water to be appropriated under this permit and permit issued pursuant to Application 9366 shall not exceed 350 cubic feet per second.

2. The total amount of water to be appropriated by direct diversion and by storage under permits issued pursuant to Applications 5626, 9363, 9364, 9366, 9367 and 9368 shall not exceed 6,500,000 acre-feet per annum of which not in excess of 3,450,000 acre-feet per annum shall be by direct diversion. The maximum combined rates of direct diversion and redirection of stored water shall not exceed 22,200 cubic feet per second.

3. The amount of water which may be appropriated hereunder may in license be reduced if investigation warrants, and may be reduced at any time prior to license if the reservation contained in Paragraph 11 of this permit is modified or set aside upon judicial review.

4. All rights and privileges under this permit, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use and unreasonable method of diversion of said water.

5. Construction work shall be completed on or before December 1, 1985.

6. Complete application of the water to the proposed use shall be made on or before December 1, 1990.

7. Progress reports shall be filed promptly by permittee on forms to be provided annually by the State Water Rights Board until license is issued.

8. This permit is subject to compliance with Water Code Section 10504.5(a).

9. In conformity with Water Code Section 10505, this permit shall be subject to any and all rights of any county in which the water sought to be appropriated originates to the extent that any such water may be necessary for the development of such county.

10. Direct diversion of water under this permit for use beyond the Sacramento-San Joaquin Delta* or outside the watershed of Sacramento River Basin** shall be subject to rights initiated by applications for use within said watershed and Delta regardless of the date of filing said applications.

11. The State Water Rights Board reserves continuing jurisdiction over this permit until March 1, 1964, or such additional time as may be prescribed by the Board, for the purpose of formulating terms and conditions relative to salinity control in the Sacramento-San Joaquin Delta. Permittee shall on or before January 1, 1962, and each six months thereafter submit to the Board a

* For the purpose of this permit the Sacramento-San Joaquin Delta shall be that area defined in Water Code Section 12220.

** For the purpose of this permit the Sacramento River Basin shall be that portion of the State encompassed by a line beginning at the Sacramento-San Joaquin Delta at Collinsville thence northeasterly to the crest of the Montezuma Hills; thence northwesterly through the crest of the Vaca Mountains; thence northerly along the crest of Putah, Cache, Stony, Thomes and Cottonwood Creek Basins and along the crest of the Trinity Mountains to Mt. Eddy; thence easterly through Mt. Shasta and along the northern boundary of the Pit River Basin to the crest of the Warner Mountains; thence southerly and westerly along the boundary of the Pit River Basin to Red Cinder Cone Peak; thence easterly along the northern boundary of the Feather River Basin to the crest of the Sierra-Nevada; thence southerly along the crest of the Sierra-Nevada to the southern boundary of the American River Basin; thence westerly along the southern boundary of the American River Basin to the eastern boundary of said Delta; thence northerly, westerly and southerly along the boundary of the Delta to the point of beginning.

written report as to the progress of negotiations relative to agreement between permittee and the State of California and/or the permittee and water users in the Delta and in Northern Contra Costa County.

12. The Board reserves continuing jurisdiction over this permit for an indefinite period not to extend beyond the date of issuance of license for the purpose of coordinating terms and conditions of this permit with terms and conditions which have been or which may be included in permits issued pursuant to other applications of the United States in furtherance of the Central Valley Project and applications of the State of California in furtherance of the State Water Resources Development System.

13. Upon the request of the Board permittee shall make such measurements and maintain and furnish to the Board such records and information as may be necessary to determine compliance with the terms and conditions of this permit, including the recognition of vested rights and for the further purpose of determining the amount of water placed to beneficial use under this permit.

14. This permit is subject to "Agreement Between the United States of America and the Department of Water Resources of the State of California for the Coordinated Operation of the Federal Central Valley Project and the State Feather River and Delta Diversion Projects" dated May 16, 1960, filed of record as Department of Water Resources Exhibit 77 at the hearing of said applications.